UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WAPP TECHNOLOGY LTD	:	DOCKET NO. 4:18CV469
	:	
VS.	:	SHERMAN, TEXAS
	:	OCTOBER 28, 2019
MICRO FOCUS INTERNATIONAL	:	9:00 A.M.
WAPP TECHNOLOGY LTC	:	
	:	
VS.	:	DOCKET NO. 4:18CV501
	:	
WELLS FARGO	:	
WAPP TECHNOLOGY LTD	:	
	:	
VS.	:	DOCKET NO. 4:18CV519
	:	
BANK OF AMERICA	:	

SCHEDULING CONFERENCE
BEFORE THE HONORABLE AMOS L. MAZZANT,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF:
MR. TIMOTHY DEVLIN
MR. HENRIK PARKER
THE DEVLIN LAW FIRM
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FOR THE DEFENDANT:
MR. MARK REITER
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PROCEEDINGS REPORTED BY MECHANICAL STENOGRAPHY, TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION.

THE COURT: Please be seated.

Good morning. Sorry. We just finished a two week jury trial and the jury is out deliberating, so all the parties still have some of their materials here.

We're here in case 4:18CV469, 4:18CV501 and 4:18CV519, Wapp Tech Limited Partnership versus various Defendants. And for the Plaintiff?

MR. PARKER: Your Honor, I'm Henrik Parker from the Devlin Law Firm and this is my cohort and colleague, Tim Devlin.

MR. DEVLIN: Good morning, Your Honor.

THE COURT: Good morning. And for defense?

MR. REITER: Good morning, Your Honor. Mark Reiter for the Defendants. With me is my colleague Ashbey Morgan.

THE COURT: Very good. We're here because you had some disputes on some certain things, which I think were pretty universal throughout the three cases, so we can just go through the disputes you have and get them resolved and get the case moving along.

I guess the first dispute relates to just two of the cases, the issue of the motion to transfer deadline. So I'll hear from y'all on each of these issues. And you can remain seated. Just have your mic on.

MR. PARKER: Okay. Your Honor, from the Plaintiff's side, we were happy with the proposal you had, so I guess

perhaps Mr. Reiter should be starting on this topic.

THE COURT: That's fine.

MR. REITER: Thank you, Your Honor. So a few things. This case has been pending for -- or these cases have been pending for nearly a year and a half, and with respect to the bank cases, the Wells Fargo and Bank of America cases, we still have no idea what's accused. What's accused in the complaint are the Micro Focus group products. That's all that's accused.

Your Honor denied our motion, at least for the time being, without prejudice on the motion to stay based on the customer suit exception, based on assertions that the Plaintiff has made that the banks are manufacturers in and of themselves, that they sell their own products outside of the Micro Focus sphere. We don't know what those products are. We believe that they are just customers and the case should be stayed.

But we served discovery with -- shortly after the 26(f) conference. We received an answer on that. With respect to Bank of America, we received nothing. With respect to Wells Fargo, interestingly, they provided a want ad and that want ad is for a position in North Carolina.

And the point here is, Your Honor, that we just don't know what is accused, and until we know what is accused, we don't know if a motion to transfer is viable or not. We're not going to waste Your Honor's time with one if there's no

basis.

And so until we get the infringement contentions and we see exactly what they're accusing and how they're accusing it, we don't know if we have a basis to move to transfer the bank cases.

THE COURT: Any response?

MR. PARKER: Your Honor, I do think we have accused particular products. There may be additional products that come out during discovery. But the notion of waiting until we've fully fleshed out the discovery of all potentially infringing products before a decision on where a case should be, I think it strikes us as somewhat of a delaying process. And we've been at this case for quite awhile now without really getting to any of the substance, so we would prefer to just be moving forward.

MR. REITER: But, Your Honor, they haven't accused. The only thing that's specifically accused are the Micro Focus products, and based on that, we won't move to transfer. But if there are other products that they contend are independent of those products, we should at least have an opportunity to look at that and decide if a 1404 or 1406 motion is appropriate.

THE COURT: And I know, of course, it's taken awhile for us to get to this point, and I know based on the Court's proposed deadlines, the deadline would have already passed. However, I don't have a problem -- I think you asked for

November 27th. That's within a month, so I'll grant that request in the two cases.

MR. REITER: Thank you, Your Honor.

THE COURT: And then the next issue was regarding the separation of basically -- well, I guess you want a deadline to serve discovery directed towards the customer suit doctrine.

MR. REITER: Yes, Your Honor. And briefly, it's the same issue. The motion to stay the bank cases was denied. Your Honor said that discovery was needed to determine whether or not the banks are themselves manufacturers, separate and apart from the Micro Focus group.

We believe that if there are questions, if there is discovery they need, they should go ahead and ask that right away. They are in control. They know what they are going to accuse, and there's no reason to delay on that. There's no reason to put the banks through the burden of discovery and claim construction if we can resolve this issue quickly. And I haven't heard any reason why we shouldn't be able to resolve the issue quickly.

MR. PARKER: Your Honor, the notion of setting a deadline when all discovery for a somewhat amorphous concept of customer suit exception seems inappropriate to us. There will be discovery about infringement of all kinds going through the normal discovery process, and I don't feel that we -- the Plaintiffs don't feel that they should be limited to the

first -- I forget exactly what the deadline is, but the first few weeks of discovery to fully flesh out all potential infringement issues.

THE COURT: I agree. I mean, discovery is basically open, so I don't see that another deadline is necessary. I don't know that it's inappropriate, but I just don't think it's necessary to set, you know, so --

MR. REITER: Just real quickly, Your Honor, on that -- and I understand what you're saying, but at the same time, this case has been pending for quite some time. And if there are questions that the Plaintiffs have about whether or not the banks are alleged infringers, separate from the Micro Focus group, it seems like they're in a position to be able to ask that discovery now and let us move that issue along and not burden those parties or the Court with the extra cases that are here.

THE COURT: Well, I'm not going to add a deadline in for that to force the Plaintiffs to do that, but I suspect that the Defendants will pursue other avenues that you deem appropriate that the Court will have to address in the future on the issue.

The next dispute was regarding the deadline for the parties or for the Defendants on the invalidity contentions. I guess the only difference was -- I think the Court's proposed deadline was December 2nd and the Defendants want

December 20th.

MR. REITER: Yes, Your Honor.

THE COURT: And let me ask, Mr. Parker, what's the problem there?

MR. PARKER: We -- the Plaintiffs were just happy to accept the date that the Court had proposed and --

THE COURT: Right, I understand that, but I'm saying I don't necessarily see a problem with December 20th.

MR. PARKER: Your Honor, I'm -- I'm not going to argue too hard on that one I don't think.

THE COURT: That's fine. I'll give you the 20th.

MR. REITER: Thank you, Your Honor.

THE COURT: Let's see, the next dispute is the deadline for the parties to exchange preliminary proposed claim terms.

MR. REITER: Well, that kind of -- given that you have given us the extra time on the contentions, what we've done is push that date I think to January 6th to account for the holidays, so that the parties aren't trying to exchange terms over Christmas and New Year's. And then there was a later date for the exchange of constructions and so forth. None of this affects the briefing schedule that Your Honor put in place, but --

THE COURT: So I assume there's no problem with that.

MR. PARKER: Your Honor, there's -- the date -- there

is no problem with the initial date. I'm just thinking maybe we -- I'm sure we can work it out, and given your just moments ago ruling, I'm sure we can work out the schedule. I don't think we had any real dispute about phasing the various things.

THE COURT: What about just doing the January 6th date, will that work?

MR. PARKER: Yes, Your Honor.

MR. REITER: Then I believe we have an agreement on the 4-2 exchange, Your Honor, the deadline to exchange constructions and extrinsic evidence.

THE COURT: Yes. That's not a problem.

MR. REITER: And then I guess where we part ways again is on the 4-3 deadline. Under the agreed date for the 4-2, going from the 22nd of January to the 31st doesn't give very much time to work out all of the proposed constructions and provide the evidence and so forth and take expert depositions, if those are needed, so we provided some more time for that.

MR. PARKER: We're talking about the February 19th date?

MR. REITER: Yes.

MR. PARKER: We're okay with that, Your Honor.

THE COURT: Okay. So the next dispute is the issue of mediation. I will tell you, the Court's preference on mediation would be preferably 30 days after the Markman

decision. I mean, you're welcome to do an early mediation, but what I have found in patent cases is they don't seem to really work and that most cases settle after -- well, they will settle either before Markman but they will settle long before anything, without the need of a mediation. But if the case is still going, then after the Markman decision, which usually I've never -- I've never gone beyond 30 days after the Markman hearing to issue a decision, but usually it's within a few weeks, because I'll have a technical advisor I'll appoint.

So what about that? I mean, I won't set the exact date because I would say 30 days after mediation -- I mean after the Markman decision.

MR. PARKER: Your Honor, I mean, that's fine. It obviously takes two parties or two sides to have a mediation of any value. We had just suggested having it after the briefing on the Markman and -- but if that's your experience, Your Honor, we're happy to comply.

THE COURT: I mean, I don't mind doing that. I don't want to go to after the dispositive motions because those won't be decided, you know, typically until -- we'll be racing to get them done before the Pretrial Order is due.

MR. REITER: No, that's fine. We agree with Your Honor that having the claim construction decision in hand is of benefit. We pushed it a little bit out, but I -- basically to get the claim construction decision.

THE COURT: And I don't mind if there's -- I mean, if both sides are willing to go earlier, you certainly can do that. I'm just not going to force it. That's usually what I do is if you can't agree, I do it 30 days after the claim construction order is entered.

And that's a loose date too because you'll know that I will issue it then, but trying to get everyone together, attorneys' schedules and things like that, so if both sides need to push it out just to get the mediator and all that.

And have y'all talked about a mediator?

MR. PARKER: We have not.

MR. REITER: No, Your Honor.

THE COURT: Do y'all have any suggestions for a mediator?

MR. REITER: I'm always happy to use Judge Folsom. I've always found him to be a good mediator. I haven't talked to my client about it.

THE COURT: I've appointed Judge Folsom in many of my cases.

MR. PARKER: I'm going to defer to Mr. Devlin on the notion of mediators. I think he has more knowledge than me.

MR. DEVLIN: Your Honor, Judge Folsom would be fine. There's plenty of -- thank you. My microphone is now on. Judge Folsom would be fine with us. If his schedule doesn't work out, we've got plenty of other folks we've worked with.

THE COURT: That's fine, and I will appoint Judge Folsom for it.

So I think the next dispute is the deadline for mandatory disclosure, and I guess maybe we should have a bigger discussion too because I know y'all have a dispute regarding kind of separating discovery. I will just tell you, I don't do that. I used to. I used to have that, but discovery is just open and that includes really all that discovery. Because you wanted to have a close of fact discovery versus I think expert discovery.

MR. REITER: Yes, Your Honor. In my experience in patent cases, which is basically what I've done for the last 30 years, it just makes things much easier to understand what the set of facts are that the experts are relying upon and not have late fact depositions or disclosures occur, such that the experts have to go back and supplement their reports.

We're talking about three patents here that cover a variety of different technologies, up to 169 claims. I'm sure they're not going to be asserting all of those at the time we get to expert discovery, at least I hope not, and just for efficiency purposes, it makes sense to have a fact discovery cutoff and then an expert discovery cutoff and everybody knows what they're working from.

MR. PARKER: Your Honor, I mean, I -- that does happen frequently in cases, but I think there's no particular

reason to set up a specific schedule beyond what Your Honor was suggesting. And I'm sure that the parties will be working to try to handle things efficiently and appropriately. But if something crops up and we need to do some follow on discovery, factual discovery or something, then we feel we should have that right.

MR. REITER: Nobody is saying that you don't have the right to complete fact discovery. It just makes sense to put it in a specific order in these types of technical cases.

THE COURT: Well, I'm not going to deviate from the Court's normal schedule. You're always welcome to continue to discuss it.

And something I always say is I don't have any standing orders in my court and it's because I put a high premium on cooperation of the attorneys. So I'm willing to do things in a different way and I'm open to anything if you want to agree to something different.

The only thing that I -- just agreeing to move a trial date won't get you over that. You have to show true good cause for me to move the trial date. But everything else, and even with discovery, I've had many trials, not so much patent cases but in some of my trade secret cases they were doing discovery as the trial was happening in terms of depositions. Let's hope that doesn't happen.

Okay. So going back to the deadline, y'all wanted to

move up the deadline, or Defendants did, on mandatory disclosure.

MR. REITER: I'll say, Your Honor, if Your Honor is going to keep the single deadline for --

THE COURT: Then you don't care about that?

MR. REITER: Then I don't care. We were trying to modify that so that it fit within the separate fact and expert cutoffs.

THE COURT: That's fine. Then I guess on my other dates, you're fine leaving them the way they are then?

MR. REITER: The only --

THE COURT: Well, of course, I'll cross out the close of fact discovery. But you had the deadline for the party to designate expert witnesses, you're moving that up. I assume you want to go back to the January 22nd.

MR. REITER: Yeah, we want to go back to the same. Yes, Your Honor. Thank you.

THE COURT: And we don't need an expert discovery deadline.

And what will happen is right now this is set for final pretrial conference, and what I typically do in all my cases is they're set and then we'll -- at the pretrial conference we'll set the trial, in this case trials.

But what I would say is if we get to that point where it looks like it will go to trial, try to reach out to my

office to try to get a special setting. I usually specially set my patent cases, but we do it -- I don't block those off as far in advance. And it also depends on how busy the Court's docket is.

This trial I just completed is my 14th jury trial of the year and two of them have lasted a month each, and this one was a two week trial. So it has been a busy, busy year for the Court, my busiest really for jury trials. So some of that impacts. In September I had nine trials that actually wanted to go to trial, and Judge Jordan, our new District Judge in Plano, took three of those for me. And then the last one I'm trying in December for two weeks, although I have a patent case backed up to it. The other case is older, but they're both civil cases.

So what I would say is, I'm just giving you advance notice to reach out to Terri Scott in my office. Alex Chern is my lawyer in the case too. You can reach out to him as well, if I didn't introduce y'all to him. So if you think you're going to trial, reach out to try to get a special setting.

MR. REITER: I can't think of a better way to end the year than with a patent case, Your Honor.

THE COURT: I'm sorry?

MR. REITER: I said I can't think of a better way to end the year than with a patent case.

THE COURT: Well, it's a backup to another civil case that's older. Both will take -- I think the patent case will take eight days. They want nine to ten days for the other. Then I have a criminal case too that we're going to have to move for the third week of December, that I've already tried once and we're trying it a second time. So it's -- yeah.

Anyways, I think that deals with all the deadlines, correct?

MR. REITER: Yes, Your Honor.

MR. PARKER: Yes, Your Honor.

THE COURT: Okay. So unless I have skipped over something, the next issue I think in dispute is really the issue of the privilege logs regarding litigation counsel.

MR. REITER: Yes, Your Honor.

THE COURT: So let's hear about that.

MR. REITER: Well, we believe that -- well, we have an agreement that nothing needs to be logged after the filing of the first complaint, which I believe was July 2nd of 2018. The parties are in dispute over whether or not the Plaintiff should log or anybody should log communications with trial counsel, litigation counsel, pre-suit.

We believe that they should. Wapp is a non-practicing entity. There are issues in dispute about what its strategy was, why it filed the case, when it filed the case, what it knew. Those are all pending before Your Honor in our motion

to transfer in the Micro Focus group case. So we believe that a privilege log is appropriate.

There is actually a declaration from Mr. Lowe, I believe the president of Wapp, who says that no such communications occurred about trying to pit Micro Focus PLCV versus HPE. We believe they've waived privilege on that. That's a separate issue. But the fact is we believe that to the extent there have been communications, those communications should be logged so we can test that.

MR. PARKER: Your Honor, I'll start with -- as we had in our papers, if they want to pay us for the cost of doing such a log, then we're happy to do it. But it does seem like it's -- it's not necessarily a fishing expedition, but the notion of communications with litigation counsel, if we're having an appropriate definition of litigation counsel, just seems like it doesn't have any value. And many of the topics that Mr. Reiter was referring to aren't going to come out in a privilege log.

So they're entitled to discover non-privileged things that occurred prior to suit, but it just seems like a waste of effort and time to be worrying about litigation counsel communications.

THE COURT: Okay. Go ahead.

MR. REITER: Well, given that the Plaintiff is a non-practicing entity and given that they are in the business

of enforcing the few patents that they have, we believe that there is a likelihood that these discussions really are of a business nature, even though they may involve litigation counsel, and we should be permitted to test that and see what they are.

And we shouldn't have to pay for that -- that ability, given that the rules require it. They are a plaintiff. They came into this court, filed this case, and there are certain consequences associated with that.

MR. PARKER: Your Honor, I mean, they're entitled to normal discovery. To the extent there are business communications, then they're entitled to appropriate discovery into that. But that seems separate and apart from communications with litigation counsel of a privileged nature. And the notion that it's somehow connected to the business side of things and that we would be overly aggressive in our privilege logging or withholding of documents, I -- I take slight offense to, I guess.

THE COURT: I understand.

MR. REITER: Well, normal discovery includes privilege logs and we're entitled to that, as he just said.

THE COURT: Right. Well, just because you have to do a privilege log doesn't mean they get the documents.

MR. PARKER: Sure.

THE COURT: So it means that one day I might have to

do an in-camera review.

But here's what I'll do is let me -- I don't know that I've had a fight about this. I'm trying to remember there being an issue regarding this. Let me look at that. I'm not going to make a decision today. I'll put something out in the Scheduling Order, but I just want to contemplate it.

Have y'all dealt with this in other patent cases?

MR. REITER: Typically my experience is that communications pre-suit are logged.

MR. PARKER: I -- it's not uncommon, granted. But, again, there's a lot of waste in patent litigation and we're just trying to cut through some of it that just seems like --

THE COURT: Well, I mean, without divulging, I mean, how onerous would it be? How much litigation counsel communication pre-suit would there have been that would be --

MR. DEVLIN: Your Honor, Tim Devlin on behalf of Plaintiff.

If we may, we can investigate that. The concern that we have is that, given these days of email communication, that the volumes increase exponentially relative to what we had dealt with in the distant past obviously.

And I think we can confirm perhaps two things. Not now, but I want to confirm and then work with opposing counsel and perhaps the Court again. A, we might be able to get some sort of absolute statement that litigation counsel

was not involved at all in any business communications and just simply be able to make that statement on the record to the Court. Effectively, an omnibus privilege claim over such communications.

Part of the issue that we're facing here is that my firm was not involved at the time that this original lawsuit was filed. We got involved later. So I would like to confer with our co-counsel and be able to get some facts to the opposing side and to Your Honor, and I think we may be able to resolve this if we can do that.

THE COURT: So why don't you do that, and can you do that within the next week?

MR. DEVLIN: Absolutely.

THE COURT: And then talk with them and then file some notice with the Court. I won't take any action until I hear back and then I'll decide.

MR. DEVLIN: Thank you, Your Honor.

MR. REITER: I will say, just to close out the issue, Your Honor, I'm not sure that -- while I accept the representations, I would still like to see the communications. We've made representations about personal jurisdiction that they insisted on testing, and so -- but we'll work it out over the next week, or at least try to.

THE COURT: No, that's fine. That's fine.

Okay. The next dispute is the issue regarding the

deposition hours, and I think you -- it's a question of how you count the hours I guess among the Defendants. Is that the dispute?

MR. REITER: I think we're pretty close, Your Honor. The issue that we have is, as I understand it, there's 40 hours per side. The question is we have three cases that are not consolidated. And we've agreed that, for example, to the extent the three parties take the deposition of the inventor and they're talking about his activities related to claims that are commonly asserted against each of the Defendants, then that should count against each of the Defendant's time.

But again, going back to the point that we don't know what's accused against any of the individual Defendants, if the banks, for example, are accused of a claim that the Micro Focus group is not and the banks want to take the inventor's deposition about his work that led to that claim or what's claimed there, that time should not count against the Micro Focus group. And likewise, if there are claims against the Micro Focus group that are not asserted against the banks, then that time should not be counted against the banks.

So I think we're pretty close, but given that there are three separate cases and they've claimed and alleged and continue to allege that the banks are separate manufacturers and we don't know what it is, we don't want to give up time

over issues that don't cover all the Defendants.

THE COURT: Right.

MR. PARKER: Your Honor, I don't think, as a generic point, we're opposed to that. We're just trying to make sure that -- we're in a situation here where we have three separate actions with three separate groups of Defendants but the same counsel on the other side for all of them. And we just don't want to be disadvantaged by that fact, and so if we can just have an understanding, and here we are saying it in open court, that if a deposition is taken that goes to validity issues, for example, they're going to be common to all three cases and so it should count against all three cases. If it's being taken by the same counsel in all three cases, they shouldn't get three times as much time.

THE COURT: Right, I understand. I think we're close to the same page. Here's what I would say is -- I mean, I agree this idea of if it's something related to just your client, that wouldn't necessarily count against that time.

However, what I would say is I make myself accessible, so if you think there is some abuse going on, either at a deposition or later, you can reach out to the Court.

And the Court does require -- it will be in the Scheduling Order. You can't file a motion to compel without calling the Court first. I handle most of the discovery disputes. I just get on the phone, on the record here via

telephone, and so I make myself available in any of my cases.

So if that becomes an issue, you don't have to file a motion. If you can't work it out, then just call the Court and I'll resolve that dispute. But the general proposition the defense has I don't have a problem with.

I think the next dispute -- was there a dispute regarding requests for admissions?

MR. PARKER: Your Honor, I think that's more or less the same issue here. So if there's a request for admission that would be applicable to all three parties, then we think it should -- they shouldn't get 75 different ones.

THE COURT: I agree.

MR. REITER: And that's the way we're doing it with the interrogatories. I mean, we have agreement on that. If there's a common issue, then that would count. But if there's not, then it wouldn't.

THE COURT: I agree. I know the issue of the protective order -- of course, I encourage the parties to try to come to an agreement on one. If not, the Court will use the standard one is typically the one the Court will employ unless y'all come up with some other changes.

And then I don't know that y'all -- Plaintiff says the Court's general protective order is fine. Y'all want some changes. See if y'all can work that out, and then if not,

then just let the Court know and I'll decide if there is a dispute.

MR. REITER: We've sent them a draft. We sent it late last week and I know it will take some time for them to work it out or work through it, but I'm sure we can have some productive conversations on that.

THE COURT: That's fine. Then Plaintiff thinks the trial time for each case will be about five days. You think it's going to be eight to ten.

MR. REITER: Again, based on what we know. I mean, it may be less. It seems premature at this point to really figure that out given, again, there's 169 claims. We don't know what products.

THE COURT: I think I've only -- I've had six patent trials and they have varied from five to eight days typically.

I will say that some of my patent cases I do timed trials. I don't know what y'all are used to. If both sides want the Court to impose that, I'll do that. I've tried some without that.

Judge Gilstrap does timed trials on all his civil cases. I have never done that. But I will say I had a civil trial this summer, a trade secret case, that they said it would take ten days and we spent a month or 17 days doing that, almost a month. So that case has made me think, well, maybe I need to consider timed trial issues. But we'll deal

with that at a later date.

What about -- I think that's all the disputes that I saw in the case management report. Is there something else that I'm missing?

MR. REITER: I think that -- I think that covers it.

MR. PARKER: Not from us, Your Honor.

MR. REITER: Yes, Your Honor.

THE COURT: Just some general background, if we get to trial, just so you know kind of my procedure, I do a little bit of the voir dire but then I turn it over to the attorneys, and it's untimed voir dire so I give you as much time as you need. If we need a questionnaire, we'll talk about that at the Pretrial Conference, but I allow that if the parties want to agree to a questionnaire.

Just so you know too, I strike through the panel, so I do increase the number of peremptory strikes. After we do strikes for cause and hardship, then I increase the number so that we utilize the entire panel or as much of the panel, unless I have an odd number of jurors.

I allow the jury to ask questions of witnesses, and so we'll go over that procedure at the Pretrial Conference but I wanted you to know that.

So that's kind of generally -- the Court likes jury trials. I'm in trial a lot. They're fun from the Court's perspective, maybe not from the attorneys' perspective.

What else can I do for y'all? From the Plaintiff, anything I can do?

MR. PARKER: No, Your Honor, I don't think so.

THE COURT: From the defense?

MR. REITER: We have a pending motion to transfer, as I'm sure Your Honor knows, but I know we're not here to argue that right now.

THE COURT: No, I know. We'll get to that in due course.

MR. REITER: I expect so. Thank you, Your Honor.

THE COURT: Then if we get to the issue and time for Markman, at some point I will appoint a technical advisor but I won't do it today. We'll do it at some point when we get closer when the briefs are filed for the claim construction.

Well, if there's nothing further from y'all, I'll excuse y'all. I have a note to take up with my criminal case. But thank you very much. And it wasn't -- there actually weren't as many disagreements as I thought there would be. It didn't take us as long. So thank y'all and have a great day.

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

_____ _____

Jan Mason Date